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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,973	04/20/2005	Jean-Luc Gentil	A71.12-0010	9962
27367 7590 04/15/2008 WESTMAN CHAMPLIN & KELLY, P.A. SUITE 1400 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402-3319				
EXAMINER				
OLSON, MARGARET LINNEA				
ART UNIT		PAPER NUMBER		
3782				
MAIL DATE		DELIVERY MODE		
04/15/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/509,973

Applicant(s)

GENTIL, JEAN-LUC

Examiner

MARGARET L. OLSON

Art Unit

3782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 01 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 4/22/05
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Inventor's Patent Application
6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 19. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: On page 3, line 11, US 2,477,164 is misidentified as GB 2,477,164.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 recites the limitation "the means of adjustment" in line 2. There is insufficient antecedent basis for this limitation in the claim. No means of adjustment is claimed in any prior claim.
5. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 13 recites the limitation "the reinforcements" in line 2. There is insufficient antecedent basis for this limitation in the claim. No reinforcements are claimed in any prior claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman (US 2,477,164) in view of Lindy (US 5,570,823). Bergman discloses a baby carrier permitting a baby to be carried next to an adult, with a harness 21 and a carrying part at 5 forming a seat for the baby, and comprising a part C forming the back of the seat. The back of the seat C has two portions (nearer 13 and nearer 14) that may be moved away from or closer to one another, and are separated by a cut-out running

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along a longitudinal axis on the majority of the length of the back of the seat (figure 2). A strip of fabric at C (figure 1) connects the portions of the back together, to prevent them from moving beyond a maximum width. Bergman does not disclose that the strip of fabric at C (figure 1) is made of a different material. Lindy teaches a baby carrier with a width-adjustable back having strips of fabric 18 made of a different material than the rest of the carrier, allowing for ventilation of the child. It would have been obvious to one of ordinary skill in the art at the time of invention to make the strip of fabric at C (figure 1) of Bergman a different, ventilated material, in order to maximize the child's comfort in the carrier (Lindy column 6, lines 54-57).

With respect to claim 2, the primary reference Bergman discloses a means of adjusting the opening of the cut out (figure 2).

With respect to claim 3, the primary reference Bergman discloses that the means of adjustment is a cord running between the edges of the cut-out (figure 2).

With respect to claim 4, the primary reference Bergman discloses that the cord passes through a number of guide elements 13/14 on the edges of the cut-out, forming a lacing system.

With respect to claim 5 to the extent it is understood, Bergman does not disclose that the means of adjustment may be a zip. Lindy teaches a zip 14 for adjusting the width of the back of a baby carrier. It would have been obvious to one of ordinary skill in the art at the time of invention to use a zip on the carrier of Bergman, since they are easy to adjust.

With respect to claim 6, the primary reference Bergman discloses that additional limiting means prevent the portions from separating a maximum distance.

With respect to claim 7, the primary reference Bergman discloses that the limiting means comprises a cord with fixed ends running between the edges of the cut-out (figure 2).

With respect to claim 8, Bergman as modified by Lindy discloses that the strip of fabric is a 3D mesh (Lindy, column 6, lines 54-57).

With respect to claim 9, the primary reference Bergman discloses that two strips of fabric A and B run laterally.

With respect to claim 10, Bergman does not disclose that the strips of fabric may be made of an elastic material. Lindy teaches that fabric strips 12 running laterally on a baby carrier may be elastic (figure 2; column 5, lines 57-63). It would have been obvious to one of ordinary skill in the art at the time of invention to make the lateral fabric straps of Bergman of an elastic material, so that the baby might be more comfortable and experience fewer shocks of movement in the carrier.

With respect to claim 11, Bergman does not teach that the harness 21 and carrying mart may be separated. Lindy discloses a carrier 10 wherein the seat 12 may be separated from the harness 34. It would have been obvious to one of ordinary skill in the art at the time of invention to make the harness of Bergman separable from the seat, in order to more easily put the harness on.

With respect to claim 12, the primary reference Bergman discloses that the harness 21 has two straps 21 and 22, whose front sections rest against the seat, and

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each including reinforcement equipped with attachment means allowing them to be attached to one another (figure 1).

With respect to claim 13 to the extent it is understood, the primary reference Bergman discloses that reinforcements carry attachment means of the carrying parts.

With respect to claim 14 the primary reference Bergman discloses the carrying part designed to equip a carrier according to claim 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARGARET L. OLSON whose telephone number is (571)272-9002. The examiner can normally be reached on MTWR, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mlo

/Nathan J. Newhouse/
Supervisory Patent Examiner, Art Unit 3782